

STATEMENT OF SENATOR ERNEST F. HOLLINGS

SECOND HEARING ON ELECTION REFORM

MAY 8, 2001

The right of a free, open and honest election is the foundation upon which our democracy rests. During his inaugural speech in 1801, Thomas Jefferson said, "I deem [one of] the essential principles of our Government...a jealous care of the right of election by the people" (Thomas Jefferson: 1st Inaugural, 1801). Many U.S. citizens feel that this "essential principal" has been damaged by the current state of our nation's election system. Two reports, by the Federal standards and technology agency, now called the National Institute of Standards and Technology, one in 1978 and the other in 1988 – found difficulties in vote-tallying stemming from management failures, technology failures, and human operational failures. As we all know, not much has changed since these reports were published; the 2000 federal election in Florida exemplified every problem highlighted in those reports and more. Thus, two hundred years later, Thomas Jefferson's words provide a blueprint for what we all must accomplish. The Congress, the States, and the Federal Government must work together to rebuild the trust of the American people and restore this "essential principle."

The Committee's previous hearing on election reform focused on election

problems evidenced in many states and experienced by many citizens in the 2000 election. Testimony revealed that voting and election systems flaws were widespread and varied. Systems that worked in one state, or a voting precinct, did not work as well in others. Nonetheless, the one thing that did not seem to vary is that most voting precincts experienced problems at some point in the election – either during registration, during the act of voting, or in counting the vote and certifying the election.

During today's hearing, witnesses will provide testimony on conclusions from several studies of our election system and potential solutions to fix it. Just as the problems in elections are variable, the solutions will likely be variable. For example, the City of Detroit replaced its punch card voting system with an optical scan system that allowed voters to check their ballots before leaving the polling station. The city also engaged in a city-wide voter education effort to inform voters about the new technology and teach them how to use it. This resulted in a decline of uncounted ballots from 3.1% in 1996 to 1.1% in 2000 – well below the national average of 2.1%. Conversely, in a review of recent elections, the Caltech/MIT Voting Technology Project revealed a surprising finding: electronic voting, as currently implemented, has performed less well than was widely believed. In fact, manually counted paper ballots, followed closely by optical scan and lever machine

ballots, had the lowest average incidence of undercounts. These results shows that better equipment in combination with voter education can have a profound positive effect on voters' ability to make their votes count. It may also show that expensive equipment alone, without education of voters and training of poll workers may not improve voters' ability to make their votes count.

In addition to hearing about the results of recent studies on election reform, we will hear from 2 Secretaries of State on their efforts. More than 1,500 election reform bills have been introduced in State legislatures during the 2001 legislative sessions. Thirty-one states have considered legislation to upgrade or make uniform their voting systems. In particular, I am interested in learning what role the States believe the Federal government should play in reforming the election system.

In the current 107th Congress, more than 50 bills concerning elections have been introduced. Senator McCain and I have put forward what we hope will be part of the solution – S. 368 the American Voting Standards and Technology Act. This legislation would direct the National Institute of Standards and Technology, “NIST” to carry out the following activities: (1) facilitate the development of voluntary standards governing the performance of voting systems; (2) conduct a study of factors impacting voter participation by individuals and groups; and (3) implement a program making grants available to states and local governments to aid

in the updating of voting equipment and to conduct voter educational programs.

Other Senators have bills which offer reforms such as uniform poll closing times, same day registration, overseas military voting reforms, and reaffirmation of the Voting Rights Act, among others. Undoubtedly, this will not be the last hearing that the Senate will hold on this matter. Election reform is a complex problem. Senator McCain and I realize that our American Voting Standards and Technology Act is only one piece of the pie. In that regard, we look forward to working with other Senators who are examining other aspects of the electoral system.

In conclusion, while we may have allowed our current election system to degrade to its present condition, I, for one, believe that we cannot let this sad state of affairs continue. All of us – the States, the Congress, the federal government – must do our utmost to improve our election system. We must, as Thomas Jefferson said, take “jealous care” of the people’s right to vote because it is the very foundation of our great democracy.